

**FLOOD CONTROL ADVISORY BOARD
MINUTES**

March 22, 2006

Scott Ward, Chairman called the meeting of the Flood Control Advisory Board (FCAB) to order at 2:00 p.m. on Wednesday, March 22, 2006.

Board Members Present: Scott Ward, Chairman; Kent Cooper, Ray Acuna, Ex Officio: DeWayne Justice, Vice Chair; Hemant Patel; Ex Officio, Paul Cherrington, Ex Officio, Melvin Martin, Secretary.

Board Members Absent:

Staff Members Present: Julie Lemmon, General Counsel; Timothy S. Phillips P.E., Chief Engineer and General Manager; Mike Alexander, Chief Financial Officer, Joe Tram, Acting Regulatory Division Manager, Kenneth DeRoulhac, Linda Reinbold, Administrative Coordinator, Anna Medina, Clerk of the Flood Control Advisory Board.

Guests Present: Nancy Johnson, V3/Landmark Eng, Patrick J Ellison, Stantec Consulting, Kelli Sertich, FCD, Scott Schlund, Stantec; Jeannette Fish, MCFB; Frank Brown, DEA; Tony Bokich, AZTEC; Dave Jensen, Diana Stuart,

1) RECOGNITION OF THE EMPLOYEE OF THE QUARTER

Tram: Good afternoon, members of the Board, I would like to introduce Kenneth DeRoulhac. He's a Civil Engineer in the regulatory division of the Flood Control District. He's charged of making sure we are in compliance with the National Flood Insurance Program. He's very diligent, he is committed as a public servant, he spends long hours at the district, 6:30-7:00 at night and he really deserves this honor.

Ward: Very good. (Applause.)

2) APPROVAL OF THE MINUTES OF THE MEETING OF JANUARY 25, 2006.

ACTION: It was moved by Mr. Martin and seconded by Mr. Justice to approve the minutes as submitted. The motion carried unanimously.

3) EL RIO WATERCOURSE MASTER PLAN.

To determine whether the Advisory Board should endorse and recommend that the Board of Directors adopt Resolution FCD2006R001, adoption of the El Rio Watercourse Master Plan (WCMP).

Hathaway:

Mr. Chairman, members of the board, It's a great pleasure I come to you today to talk about the El Rio Watercourse Master Plan and ask for its endorsement and adoption. Let me start by giving an overview of the (WCMP). We are here to seek endorsement for transmittal for the Board of Directors for resolution of our FCD2006R001, adopting the WCMP's recommendations. The resolution would also direct us to [at] the District to continue our discussions with municipalities and the other stakeholders in the valley, to determine the appropriate means and actually implement this Master Plan and following upon that, authorizing us to negotiate whatever agreements will help us facilitate that implementation subject to board approval.

The study area is about 17½ miles long, extending from the confluence with the Agua Fria River out to Buckeye, to the down stream boundary at the State Route 85 Bridge. The areas of Avondale are shown in a fuchsia color, the purple is Goodyear, the green is Buckeye, and the rest is unincorporated county. Our primary goal is to enhance public safety with Flood Control measures by maintaining the river's natural form and function. We also want to address the concerns about salt cedar by managing vegetation which will also not only help maintain conveyance, but also provide the suitable habitat as a replacement for salt cedar. With such a resource, we want to retain the landscape character, but also focus on multiple-use opportunities for our partners in the western part of the valley to utilize. With this implementation, we've looked as a primary mechanism to be public-private partnerships. The major recommended alternative is a bank projection levee system along the north floodway line from the entire length of the study area. On the southern boundary, there's a lot of natural geologic properties with structural means necessary to protect the area from lateral migration. There are some areas, however, on the south side, where there are opportunities for reclaiming land.

In this illustration, which should be in your package, the red line is the 100 year floodplain. Within that there is a floodway line, which seems to match the agricultural fields almost identically. It's as if the farmers over the last 100 years basically determined how far they can push into the river.

On the south side we have areas, notably around Waterman Wash and down by the State Route 85 Bridge, which would be potential reclamation areas which could be protected by levees. We work with the ongoing MCDOT/Goodyear project on the Cotton Lane Bridge and incorporating their features. This illustration here shows some of the treatments that can occur in the area around the Buckeye Irrigation District takeout structure. We have here an illustration of a cross section showing the levee to be buried to soften its impact and make it more compatible with the character of the river. Down on the south side where we don't need structural measures, we then have opportunities in all these places for lookouts and trail access for others to utilize.

This photograph was taken from the air around above Buckeye. You can see where the sand and gravel operations are located east of Miller Road. This photograph is actually taken looking to the east.

The yellow line coming up is the 100 year floodplain, followed by the floodway. The last line coming across is the alignment of the levees, which again follows a floodway line almost exactly.

Those last two shots show a modest flood; followed by the full flood. It also illustrates how development would come right up to the edge of the levees. We also have areas we can use for parks in cooperation with our partners as they wish to develop those as parks.

The benefits, again, are public safety, protecting land and property from flooding, but and also bridges and other infrastructure. The ability to utilize this beyond just a Flood Control aspect is shown in this illustration of a levee area, where we have the river off to one side, a very natural situation, transportation features along the levee and inland, allowing that area to develop safely.

This is a cross section of the general idea. We have levees on one side while on the other side – this would be primarily south side – where we do not need bank protection or levees to protect development.

We do have some of these aspects, where I think this may be one of the mechanisms for the reclamation protection for 3,000 acres of land as a way of having that public/private partnership to actually finance some infrastructure. Then we would see an increased evaluation of that property, both because of reclamation, but also the proximity to it and the great amenity it has.

What we're looking for now, is [we're actually in the process of seeking] adoption by Avondale, Goodyear and Buckeye. We've had a presentation at both Avondale and Goodyear. We are scheduled to have one at Buckeye, and we are anticipating that their adoption/endorsement of the plan in the next month or so and leading to our desire to go before the Board of Directors and Board of Supervisors for formal adoption of the plan from the County.

We have been and we continue to work and to try to discuss ways to determine what is are the most appropriate mechanisms to organize this thing across the large distance and across local jurisdictions and actually negotiate some of those implementation agreements as we get to that point. Primarily to establish funding partnerships, both for the capital works and also the ongoing maintenance as a potential alternative, it may be a way of incorporating the multiple uses under one organization.

Our recommendation is asking this body to recommend and forward to the Board of Supervisors of Resolution 2006001, which again adopts the WMP directs us to try and move forward on determining the best ways to implement and negotiate agreements to actually do that very thing.

- Cooper:* You said that there are funding mechanisms about 3000 acres, is that privately-owned land or is that land the Flood Control District owns?
- Hathaway:* That would be privately-owned land.
- Cooper:* So how do we benefit financially as an organization from improving those private lands?
- Hathaway:* I think that is what I see as the mechanism, is that it has to make economic sense for them to come up with a majority share of the dollars. I think it pencils out; if it makes economic sense, do it, if not, we have a floodplain to regulate.
- Cooper:* Okay, so you're looking at, in terms of funding sources, the cities and the District cost sharing part of the funds would be generated from private parties
- Hathaway:* The exact mechanism is yet to be worked out. We do have some funding in the works with the Bureau of Reclamation, first of all for our education R&D project that's being constructed within Estrella Mountain Park. We also have another site where we're going to be working the Arizona department of Game and Fish on exploring further the re-vegetation aspects.
- Phillips:* Mr. Chairman, Mr. Cooper, what John has here and what we're asking you to endorse is the template. It's the vision for what could happen out there. Although we've had discussions with all the communities about what the template looks like, recognizing the features and all the parts and pieces, the big challenge yet to come is how do you implement it in partnership. There are benefits from our standpoint; we get consistent conveyance within the river and restoring or sustaining the river as it is today in its natural form. But when you package the deal with the vision, potentially reducing the size of the floodplain which makes more developable property, the amenity value of having, open space, so when John talks about benefits, he is really talking about benefits to the community as a whole, not necessarily just the District. We have to understand that; we've done the easy part of the work and that's coming with a template and a vision, collectively with the community. The challenge is how do you implement it? And there's have been discussions, preliminary discussions, about zone districts is as one way to do it, but the sky's kind of the limit at this point at seeing what the opportunities are to implement. But the first thing we need to know is that the vision is something that we want to go forward on, collectively, with the community. Is that fair John?
- Hathaway:* Yes it is.
- Cooper:* Can I add that this is an exciting vision and that I fully support and appreciate it. It was overly entrepreneurial there in terms of seeing the potential for properties that benefit to also include some payment for that benefit, and I would encourage you to continue to recognize the option

whether it would be by the cities and the zone district to help with the repayment, or some other way to help share in the cost of this.

Phillips: In the aspect of partnering, we look at anybody and everybody that will realize the benefit as a potential partner and development of it. That's the only way that this collective vision for 17 some-odd miles is going to be implemented, is if everybody that has an interest is leveraged to come to the table and play with, with the public parties.

Ward: Gentlemen, questions? Mr. Patel?

Patel: It seems like we are changing our approach a little bit because in the past when we did a WMP, it's kind of led to a whole host of projects, which then turned into our CIP and I think it was (inaudible) with this one is to definitely get the message out that we're adopting the master plan and that's it, and then we're open for ideas on how we implement it because that is a lot of work and at \$45 million a year we are no where near in funding it, so we're going to have to create those public-private partnerships and I understand we are lacking in details today to adopt the technical aspect of the plan, but so how we implement it, again we are going to have to look at new ideas.

Phillips: It is a challenge. Yes sir.

Ward: Martin, you have a question?

Martin: Yes, I've got a couple of them. One – what's the effect if this project goes through on the lawsuit with the Sand and Gravel out there?

Lemmon: At one point we were in litigation, Rockland, exactly, which is right at State Route 85 and it's probably my oversight that you were never informed as to how that all ended up. They went into bankruptcy, that property was sold out of bankruptcy to a sand and gravel company who happily brought it immediately into compliance with the floodplain regulations and is in operation today and that is not a problem for us right there at State Route 85. So, in terms of sand and gravel, the other one is Raven Rock –and they're upstream of this, so I don't think that would be a problem. Sorry to be so late giving you that information.

Martin: That's alright. What's the cost of the study that we're going to authorize to do?

Hathaway: The study's complete.

Martin: And what was the cost of it?

Hathaway: It was about \$3 million.

Ward: Has anybody got an estimate of what this project, when it's done, would cost? Or are we going to live that long?

- Hathaway:* That's a good question. We have some preliminary cost estimates and I might want to turn to one of the consultants that they might know that number off the top of their head. I don't have that number in mind.
- Schlund:* Hi, I'm Scott Schlund with Stantec Consulting Managing Principal working on this project. Estimated cost for Flood Control features are roughly \$100 million. Any of the enhancements would be about \$50 million on top of that.
- Ward:* Thank you. John, where did the genesis of this project originate? Was this Buckeye, Goodyear, or was this within our vision of floodplain delineation?
- Hathaway:* This goes back to before my time at the District to about 1999 was when there were a series of meetings, primarily led by the Supervisors of Maricopa County and the adjacent jurisdictions to determine how we should approach this river and create a document called the El Rio Vision which is the genesis of this.
- Ward:* Well it's beautiful real estate and it's something that should be managed because there has been dumping that's taking place up there and overgrowth. Any discussion with Woody Scouten and our client cities on this project?
- Hathaway:* Yes, we met extensively with the partner cities throughout the project. We had a number of one-on-one meetings, we also had public meetings, but a lot of discussion and we have been working very close with the Town of Buckeye on this.
- Phillips:* And Mr. Chairman, that includes their councils for the community Buckeye, Avondale and Goodyear. We have a strong relationship with them all through the process; they're familiar with, the concept because in essence, their political support's needed to ultimately implement this thing. In fact, John has, I think we've done a couple (or they're pending) similar presentation to councils asking for their adoption of the master plan also.
- Hathaway:* About month ago was Avondale, and Monday night was out in Goodyear.
- Justice:* What reaction did they have?
- Hathaway:* It was very positive. Their staff actually briefed them quite well, so their questions were few but they were either complimentary, curious about certain aspects of it, and one of them was the implementation. Goodyear is so closely involved in the Cotton Lane Bridge Project and the river improvements that are actually going to be developed or funded.
- Avondale has actually kind of been bugging us because they've wanted – they're trying to plug in dollars into their five year budget for the El Rio.

Martin: How many more times are we going to see this before they come up with a number, we have already spent \$3 million.

Phillips: Mr. Chairman, Mr. Martin, what we have spent to date has been for the planning effort. You will see a separate presentation[s] the infrastructure that comes up, you know, as part of the CIP. This study, the reach, the 17 miles, a lot of it is to maintain what is already there. There are a couple levees that John has talked about and you will see those, chapter and verse as separate projects under the prioritization process, you'll see them first and then the typical process where we ask for, through resolution, the ability to negotiate IGA's for them, as well as specific to that feature and then when we do an IGA, you'll see that again.

Martin: So do you envision it as little projects, but the study was for the whole project, but you envision little areas at a time.

Phillips: Absolutely. Very similar to most of our master planning processes that identify a lot of projects. We work through the projects with the communities that they are in.

Justice: In light of what we've spent on this and the effort we've put into it, I'll move to endorse and recommend that we adopt this resolution. I think we need to go forward with this and see what kind of partnerships we can come up with and what kind of sharing we can get, and take pieces as they come along and see if they warrant construction at the time they're presented.

Cooper: Second.

Ward: I have a motion and a second. I have one question. John, let's go back to the aerial. I would like to see where the Cotton Lane Bridge is going to be.

Hathaway: Okay, here is Avondale and the Agua Fria River, this would be Estrella Parkway, Estrella Park, Cotton Lane is right here, and do you know where the Rubbermaid Plant is on MC85?

Ward: Yes.

Hathaway: The Cotton Lane project starts like 600 feet or 6/10 of a mile north of that. South of MC85 it's a dirt road, it's going go south and just before it crosses the Southern Avenue alignment, it will start to curve to the east then cross the Gila River and then eventually tie into Estrella Parkway within Estrella Mountain Ranch, but the bridge project itself is about a 2,067 foot bridge and they're doing some river improvements here.

Ward: Have you been working closely with MCDOT on that bridge? And this probably was needed before we could decide where that bridge is going and cost of the bridge and the size, so this was a prelude to the bridge design, Tim?

Phillips: Mr. Chairman, actually it's been more of a collaborative effort. As we were working through the El Rio, you remember the study was put on hold for quite a while during the Gillespie lawsuit issue, but once we got started up, it's about the same time Cotton Lane started to become a vision, and so a lot of the information that was generated out of this study was used as the basis, across the street for Transportation to work on the bridge issue. So it's a more parallel pass and we're doing this at the same time the Cotton Lane is coming into place.

Ward: And is that bridge funded, do we know?

Hathaway: Mr. Chairman I believe it's funded. They are hoping to break ground as early as June.

Ward: Tell me the dimensions of that bridge again.

Hathaway: It's a six lane bridge, it's got – I think it's 2,067 feet long.

Ward: And Mr. Cooper shared with us a number of \$60 million?

Hathaway: I believe that is the cost of the bridge and the roadway. I'd say probably about half of that is the bridge itself, and there is an additional comparable amount of money that is for the river improvements and the mitigation that's required, although that is the way the partnership agreements between IGAs, MCDOT and Goodyear with funding contributed by MCDOT, Goodyear and Sonterra Partners/King Ranch and Estrella Mountain Ranch. I think they are each putting up about \$10 million for the bridge and roadway. King Ranch is building the part of the roadway within King Ranch and the developers are funding all the river improvements and mitigation. We're working on a three-way intergovernmental agreement with MCDOT, Flood Control and Goodyear for a large piece of that.

ACTION: It was moved by Mr. Justice and seconded by Mr. Cooper to approve the item as submitted. The motion carried unanimously.

4) **FLOODPRONE PROPERTIES ACQUISITION PROGRAM.**

This item is for information and discussion only.

Pinto: Good afternoon Chairman and members of the board. As Tim said, I'm here to present an update on the Floodprone Property Acquisition Program, as well as present some proposed revisions that we'd like to make to the program to improve the policy. And first off, I'd like to give a background of the project, talk about why it was developed in the first place, and then I'll give an update as far as the number of properties that we've acquired so far and then I'd like to talk about the proposed revisions that we'd like to make to the policy.

The program was first implemented in September, 2004. It was a program developed to acquire properties in high risk floodprone areas where a structural solution was not feasible and it's a completely voluntary program.

Some of the program benefits are that it provides a public safety benefit by removing people from the floodprone areas. Also, it's a permanent solution, because after we acquire the properties, we demolish the house as well as any other structures that are in the floodplain, and it helps avoid some capital and long-term O&M costs associated with traditional structural Flood Control projects. Also, it preserves the natural and beneficial uses of the floodplain which have many direct and indirect benefits.

And the current qualifying criteria for the program are that the property has to have a residential structure that's located in the floodway or floodplain if there is no floodway associated with that floodplain, or if it's located in a floodplain that have a floodway associated with it, then you have to have had flood damage. Also, it's not available for commercial or vacant properties, and it cannot benefit from proposed capital improvement program projects that either the District is going to implement or another agency or municipality is going to implement. And here's that aerial photo that shows a property that we actually acquired, this property qualified for the program because it's completely within the floodway. The floodway basically is in between these two lines. The hatched area is the floodplain fringe and under the current criteria, if this house was in the floodplain fringe, it would have had to have flood damage within the house to qualify for the program, and we did end up acquiring this house.

Now I'd like to discuss the number of properties we've acquired so far, and as I stated previously, we started the program in September 2004. We identified 185 people that had residential structures in the floodway, we mailed out brochures and applications to those residents and received 30 applications as a result. We had 28 of the 30 applicants that were eligible for the program, we did appraisals, fair market appraisals, made offers to the 28 people and 15 of them ended up accepting the offer. In fiscal year 2005-2006, we essentially mailed out to the same people that we did the previous year, which is why we had the low application rate, and the reason was that we identified only one additional property that had a residential structure in the floodway, between the two application cycles and we ended up acquiring five properties, so for the 20 properties that we've acquired so far, we spent approximately \$6.9 million in acquisition costs.

In Fiscal Year 2006/2007, which doesn't start until July of this year, we wanted to target or include people that were in the floodplain fringe as well, so that's why our mailing list is over 7,000 people. We identified 7,000 residents that had structures in the floodplains throughout Maricopa County, mailed postcards to them that basically told them a little bit about the program and if they wanted more information they

could contact us by calling and requesting an application or brochure. And of course we had hundreds of phone calls from that, and I thought it was a very good, if anything, it was a good public information campaign because we did get a lot of people saying that they didn't know they were in a floodplain, for example, so that was one of the indirect benefits I thought. We ended up receiving 63 applications and 43 of them are eligible for the program. Right now we're currently collecting data, such as finish floor elevation surveys and other data that we use to rank the properties which I'll talk about in a few minutes.

And this shows basically the properties that we've acquired so far. As just to orientate you, here is the northern boundary of Maricopa County, here's I-17 right here, there's US60 and this is State Route 74 or Carefree Highway. And as you can see, a lot of the properties that we've acquired so far are in the Desert Hills/New River area, and one of the reasons for that is that in September of 2004, which is when we first implemented this, we were completing the Adobe Dam/Desert Hills ADMP and because of that one of the recommended solutions in that ADMP was a nonstructural buyout program to help some of the people in the floodway, that was the only feasible alternative. So as a result, because of our public information process throughout our ADMP studies, a lot of people were very well aware of their flood risk as well as the options that they had, so they took advantage of this program.

This shows the applications that we received for Fiscal Year 2006/2007, and as you can see, they're fairly well distributed throughout the county as well as basically throughout the populated areas of the county, and again, we're in the process of evaluating those applications, collecting data for the ones that were eligible.

Now I would like to talk about the proposed policy revisions, and one of the things that we'd like to change is the eligibility criteria to make it a little more restrictive. As I said previously, currently the criteria are a residential structure that's located in the floodway or floodplain if there is no floodway designated. We'd like to change that to located in the floodway, and if you're located in the floodplain whether there is a floodway associated with it or not, so any type of floodplain, then you have to have had documented flood damage and your finished floor elevation has to be below the base flood elevation, which is the anticipated 100 year water surface elevation.

This shows what kind of affect that would have on some of the people that are currently eligible for the program. These, I don't know if you can see this, but these three property owners applied for the program in 2006/2007 for this upcoming fiscal year, and they qualified for the program whether they've been flooded or not, this property is located in Scottsdale, this is Granite Reef Wash and this is a detailed floodplain delineation, basically it is zoned AE. It doesn't have a floodway and so technically all of these properties in here currently qualify for the program. The same with this too, this is the Grand Canal and this is a Zone A floodplain. These properties all qualify for the program if they

were going to apply for the program. With the proposed revisions, basically the only way these people would qualify for the program is if they had flooding in their house and if the finished floor is below the base flood elevation.

Another thing we'd like to change is the ranking equation and after we determine a property is eligible for the program, we rank the properties according to risk and other criteria to determine which houses we're going to appraise and then ultimately make offers to, and right now the current ranking equation, 25 points out of 100 go towards the ranking. We feel that since this is a hazard-based program, that hazard shouldn't get higher weight than 25%. Also, as we were going through the process, in other words ranking the various properties and the first two application cycles, we realized that some of the variables seem subjective and this really needs to be a very objective process, as much as possible. Also, a lot of the properties ended up getting the same number of points for some of the variables in the various categories, so when all the variables or some of the variables get the same points, essentially those variables are meaningless. So we would like to change it to where 90% of the ranking is based on hazard and some of those variables include depth of flooding, the depth of flood water inside the house, the velocity of the water, erosion hazard, emergency response time and other things that we feel like assess the hazard. Other things we'd like to include would be whether they participate in a national flood insurance program, they should get five points, and if they've had repetitive flooding and feel like they should get points for that too. So, we think with the proposed ranking equation, that we'll be able to assess the hazard better than with the current ranking equation that we have. And I'd be happy to answer any questions.

Martin: You are going to evaluate the possibilities of channeling around them to where they're out of the floodplain or whether they're not eligible to flood rather than buying the property?

Pinto: We do that in several different ways. A lot of these properties, as I discussed earlier, they came into through our the Adobe Dam/Desert Hills ADMP where it was realized that that was the only feasible solution to help out certain properties, was a nonstructural or acquisition program, because a structural solution was not fiscally feasible. Other properties, when somebody applies for the program, what I do is basically go talk to all of the project managers at the District, I also talk to the project managers at the District and say, you know, show them the properties, say are we having any capital improvement program projects in this area. I also talk to the area planners too in the planning department which I'm part of and determine if there's any studies going on that would actually help these particular properties. And then I talk to the different floodplain representatives throughout the cities.

Phillip: Mr. Chairman, if I think your root of your question is, is there an alternative to purchasing the property.

Martin: Right.

Phillip: The answer is not yet, but staff has been working on that as another tool, rather than going to buy the property out, can we raise the finished floor so that they're not going to get flooded? We haven't yet signed, sealed and delivered that philosophy or policy or the concept with it, and that's why we're not presenting it yet, but yeah, we are working aggressively on seeing if we can reduce the costs to the taxpayer by simply, raising the finished floor, providing some sort of berm or some alternative, a flood proofing aspect as opposed to a buyout aspect, as a supplement to this program where it would be the first criteria. We first look to see if we can make it a legitimate or a legal use under the floodplain regs regulations and then if we can't, then the potential for buying out is there. It's a work in progress, there are a lot of pitfalls in it, and that's what we're trying to work out, but you will see a presentation here probably in the next couple months that talks about flood proofing.

Patel: Just a question. Am I remembering correct that as far as funding this program, we're treating it as a semi-discretionary item on our budget, so we're not locking ourselves in to purchasing everything that comes up, right?

Phillip: No, Mr. Chairman and Mr. Patel, this is funded under the CIP and we're very specific, it's has to be set criteria, they got have to meet the criteria and then it's always subject to available funding. So there may be somebody that doesn't get bought out in a particular year. So far we haven't seen that issue, but the rationale is that somebody may not get bought out in a particular year because we don't have the funding available for it in that year, but they're still on the priority list.

Patel: So as far as administering the program, then our thought is that we're going to maintain a list and then as funds become available, we'll keep buying them out but at some point as the gap widens too much, we're going to have to figure out where the money is going to come from.

Phillip: Or we'll be more selective. One of the things that Theresa talked about was the criteria where just because you're in a floodplain doesn't mean you're eligible and now we're looking to say your finished floor elevation has to be below that 100 year water surface to be eligible, so the criteria, as we learn in this program, the criteria needs to be a little bit more restrictive, but it's a voluntary program really on both parts. You know, we don't have an obligation to buy somebody out, it's based on available funds that we have in the CIP. So there's not really a competition for dollars, and so far we haven't seen, you know, huge numbers of requests that we've had to ask the question can we afford to buy all these folks out.

Patel: With 43 qualified, that's a scary number.

Phillip: Of course that doesn't necessarily mean that when they see what we want to pay them that they're going to be interested. It is voluntary, and that's

why you see a number of applicants, we check to see what their risk is, some of those may fall out, and then it still becomes voluntary and then ultimately the choice is to the District on whether those properties should be bought out.

Patel: And what we're talking it's not an action item, what about the part that the owner had to play in being there. I mean as a taxpayer, you know if somebody builds out there knowing full well they're in the middle of a river, but I'd like to have that assessed and worked into whether we pay money on it.

Phillip: Mr. Chairman, Mr. Patel, it really already is. They have to – Theresa, correct me if I'm wrong – but they have to have had a valid building permit, first of all, and they had to have built before the floodplain delineation was put in place, so, and those are two criteria to be eligible for the program. So it's not somebody that gets a wild hair and builds in a wash knowing it's a delineated floodplain and then says by the way can you buy me out that will not fall into the criteria.

Martin: That got changed about three years ago, didn't it? The building permit thing?

Phillip: Mr. Chairman, Mr. Martin, it was always a part of the program that we had when we did this.

Martin: It wasn't earlier.

Phillip: The first policy always had that as a criteria, that you had to have a valid building permit.

Acuna: Mr. Chairman, I think this program's got the potential to be a very, very good program, I think you're looking for some suggestions. Would you mind some?

Pinto: No.

Acuna: I know when I was the floodplain manager for the City of Phoenix, this would have been useful in many cases. Putting that hat on, a couple of the assumptions that were made that could make this a more difficult program to administer, is the assumption where long-term, low-term and can be reduced and I think if you look at urbanized area and you start plucking houses out, you know there is the disruption factor, and you know, the propensity for more maintenance and inappropriate activity, and I think you try to address that by requiring that these homes be in a floodway. So I would suspect that that would be more of a kind of riverine kind of situation. In other words, people can actually see water.

Pinto: Yes.

Acuna: Okay, I think that's good. But the O&M assumption is something you're going to have to look at because I don't think that's true in an urban

environment. The other is, do we have any statistics on how many homes flood outside of floodplains and riverine conditions?

Pinto: I don't.

Acuna: Probably more than in floodplains?

Pinto: It's interesting. We did get some applications from people that were not in floodplains and throughout my presentation I say floodplains, obviously I mean 100 year FEMA delineated floodplains. Sorry for not making that clear earlier, but we did have some applications that were not in a 100 year floodplain, and we know that the City of Phoenix has a lot of folks that are in that category too, and unfortunately under this program, they don't qualify. So yet we know that they're flooding, we know that they have a problem, but if the City does not want to put a floodplain there, then we can't help them under this program.

Acuna: Is there a provision for getting an invitation. In other words, Avondale and Goodyear say, could you come in and utilize this program? I would anticipate that by that invitation, they would take care of a lot of up front or, as needed in some of these communities. For example, they may be aware of zoning changes or historic overlay districts that would confuse or complicate the citizens if they are approached by a higher governmental authority what the program is, so is there a mechanism to go through the cities?

Pinto: Well, I did go. Before we did that mass mailing I went and visited with each of the floodplain representatives throughout the counties, so probably about 20 different people, and also with the City of Phoenix too, and that was one thing that everyone over looked, was the historic district issue, but the rest of the city representatives, the ones that chose to meet with me, some people just wanted to talk about it over the phone, they were all very supportive about the program and of course it is something that could potentially help their residents, so I did do that type of groundwork and we did learn our lesson as far as historic districts.

Acuna: I think this is a good program. I think that its success is going to be based on making sure that we apply it so that the citizens or customers aren't anticipating getting bought out, because if somebody floods, they're going to want somebody to buy them out right away, and I'm not so sure we've got that capability for everybody that floods.

Pinto: Yes.

Acuna: It's almost managing expectations, but when we do have a riverine condition, and inevitably that's going to happen because we're going too fast, that this is almost the choice of last resort so to speak, we've exhausted every other mechanism so that folks don't look at this as their first choice.

Pinto: That's exactly why we want to change the criteria and that's exactly why we want to change the equation as well, because now I'm worried that a lot of these applicants, the current applicants, could end up with the same number of points, and so then, which ones do we offer to first? And at that point we would say you know what, we're just going to do the very top worst properties. Buy yes my feeling is that this program should just be used as a last resort. It's a good program and a good option, but it should be used conservatively or smart in that, you know, selecting.

Acuna: You think that would be your biggest challenge, is ultimately meeting those requests?

Pinto: Yes, with the 7,000 plus postcards that we sent out, I'm pleasantly surprised that we only got 63 applications, and I'm also pleasantly surprised we only had 43 eligible, because that takes a lot of time, as well as money on the District part, just to evaluate the applications. Again, that's why I want to make the criteria a little more tight and restrictive.

Ward: If we go ahead and look at the Rio project, chances are we're not going to see these conditions in the El Rio Master Plan.

Phillip: Mr. Chairman, that's correct, because there's already a floodplain delineation out there that we can manage residential buildings against, and will not allow a structure that a finish floor elevation is below the base flood elevation. So the more delineations we do, you know, the more of a fight in the battle we have to preclude people from building with the potential of being flooded.

Ward: Any other thoughts? Thank you.

Pinto: You're welcome.

ACTION: No Action Required.

5) COMMENTS FROM THE CHIEF ENGINEER AND GENERAL MANAGER

Ward: Just a comment I want to make and it's somewhat of a tribute to Dick Perreault. I've had the ability in my life to evaluate a lot of businesses and a lot of companies and I don't know how you feel, but I am very proud to be the chairman of this Advisory Board, because the Flood Control District is run like a business. It's got good leadership. I hate to see Perreault go, but the guys he had can manage money, they build good projects, you stay within budget, your client cities, you work with them on funding future things and so what I would like to do is see if we could quietly go back to the supervisors, because Fulton Brock has asked me, what do you think of the Flood Control District, and I told them it's run like a business, it's got good leadership, try like hell to keep as many of the people as you can, it's a good business, and so guys like Dick Perreault, thanks for 25 years making this a really good business and I

think the citizens of Maricopa County respect you and appreciate what you've done.

6) SUMMARY OF RECENT ACTIONS BY THE BOARD OF DIRECTORS

Ward: Gentlemen, you've had a chance to look at the actions of the Board of Directors. Any thoughts, any problems, we make those part of the record.

7) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC

The meeting was adjourned at 3:00 pm